

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PRAGATI VAIDYA

Debtor

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CASE NO. 18-36401-H3-11

**EXPEDITED MOTION TO DISMISS**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

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**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**EXPEDITED RELIEF REQUESTED BY DECEMBER 17, 2018.**

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COMES NOW, AMIT CHOUDHARY, Debtor's husband ("Movant") and files this Expedited Motion to Dismiss. In support thereof, Movant would allege as follows:

1. On November 13, 2018, Debtor filed this Chapter 11 case.
2. The Petition, as filed by the Debtor, fail to comply with FRBP Rule 1007(a)(1) in that Debtor did not include a list containing the name and address of each entity to be included on Schedules D, E/F, G and H.
3. Debtor also failed to file copies of all payment advices or other evidence of payment, received by the Debtor within 60 days before filing her Petition, or in the alternative a Certification that she has not received any payment advices within that 60-day period.

4. Further, pursuant to FRBP Rule 1007(b) and the Standing Order of the United States Bankruptcy Court for the Southern District of Texas, Debtor's Chapter 11 Schedules, Statement of Financial Affairs, and Statement of Current Monthly Income were due to be filed with the Court no later than November 26, 2018. As of the filing of this Motion Debtor has failed to file the necessary Schedules, Statement of Financial Affairs, or Statement of Current Monthly Income.
5. In addition, has failed to pay the filing fees as required by FRBP Rule 1006(a). A Notice of Failure to Pay was issued on November 26, 2018 (Docket #8). The deadline to pay the fees has passed. Although the Debtor has filed a request to pay the filing fees in installments, such application was not signed by the Debtor and the Debtor has not requested a hearing regarding her failure the pay the filing fees as required.
6. The parties have been involved in a contentious divorce proceeding in the 311th Judicial District Court of Harris County, Texas for the past three years. A two-week jury trial was held by the family court in September 2018. The family court rendered its judgment in the divorce matter on November 14, 2018, one day after Debtor filed this bankruptcy proceeding. At no time prior to the court's rendition did the Debtor inform the family court, her divorce counsel, or Movant's divorce counsel that a bankruptcy had been filed.
7. The presiding judge in the 311th Judicial District Court will be stepping down from the bench as of December 31, 2018. It is imperative that Movant be able to enter a Final Decree of Divorce pursuant to the jury's verdict prior to the end of the year.

WHEREFORE, PREMISES CONSIDERED, Movant prays that Debtor's case be dismissed, and for such further relief at law or in equity to which he may be justly entitled.

Respectfully submitted,

LAURA DALE & ASSOCIATES, P.C.

/s/ Liza A. Greene

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Attorney for Amit Choudhary

**Certificate of Service**

This is to certify that the foregoing Expedited Motion to Dismiss was sent by electronic filing, facsimile and/or mailed by regular mail, postage pre-paid on the 11th day of December, 2018, to all interested parties as shown on the attached Service List.

/s/ Liza A. Greene

Liza A. Greene